

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 5th day of
December, 2018.

In the Matter of Union Electric Company d/b/a)
Ameren Missouri's 3rd Filing to Implement)
Regulatory Changes in Furtherance of Energy)
Efficiency as Allowed by MEEIA)

File No. EO-2018-0211

**ORDER APPROVING STIPULATION AND AGREEMENT
AND GRANTING WAIVERS**

Issue Date: December 5, 2018

Effective Date: January 4, 2019

The Commission is approving the stipulation and agreement addressing Union Electric Company d/b/a Ameren Missouri's ("Ameren Missouri") Missouri Energy Efficiency Investment Act ("MEEIA") Cycle 3 plan.

On June 4, 2018, Ameren Missouri filed its application for approval of its proposed MEEIA Cycle 3 Plan. A procedural schedule was approved by the Commission and certain parties submitted pre-filed rebuttal and surrebuttal testimony. On October 25, 2018, Ameren Missouri, the Staff of the Missouri Public Service Commission, the Office of the Public Counsel, the Missouri Department of Economic Development -- Division of Energy, Consumers Council of Missouri, Renew Missouri Advocates d/b/a Renew Missouri, National Housing Trust, and Tower Grove Neighborhood Community Development Corporation (collectively referred to as the "Signatories") filed a *Stipulation and Agreement* purporting to resolve all the issues in this matter. Attached to the *Stipulation and Agreement* was the *Revised Ameren Missouri's 2019-21 Energy Efficiency Plan* and associated appendices. On

November 28, 2018, the Commission held an on-the-record presentation regarding the agreement.

Commission rule 4 CSR 240-2.115(2)(B) allows nonsignatory parties seven days to object to a nonunanimous stipulation and agreement. That same rule allows the Commission to treat the non-unanimous stipulation as unanimous if no party timely objects. More than seven days have elapsed since the Signatories filed the stipulation and agreement, and no party has objected. Thus, the Commission will treat the stipulation and agreement as unanimous.

The Commission has reviewed the stipulation and agreement including the *Revised Ameren Missouri's 2019-21 Energy Efficiency Plan* and its appendices,¹ finds them reasonable, and will approve them. The Commission incorporates the provisions of the *Stipulation and Agreement* and the *Revised Ameren Missouri's 2019-21 Energy Efficiency Plan* into this order as if fully set forth herein and directs the parties to comply with its terms.

Additionally, as part of its application, Ameren Missouri requested waivers from several Commission rules. The Signatories agreed that the waivers should be granted as follows.

a. Rule 4 CSR 240-20.094(4)(I)3 – This rule states, in relevant part, that the Commission can approve demand-side programs or program plans that it finds have met the filing and submission requirements of the MEEIA rules and "[a]re included in the electric utility's preferred plan or have been analyzed through the integration process required by 4 CSR 240-22.060 to determine the impact of the demand-side program

¹ Together, the *Stipulation and Agreement*, the *Revised Ameren Missouri's 2019-21 Energy Efficiency Plan*, and its appendices are referred to as the "MEEIA 2019-2021 Plan."

and program plans on the net present value of revenue requirements of the electric utility." While the 2017 Integrated Resource Plan (IRP) preferred resource plan does include analyses of demand-side resource options, those analyses were based on the best information available at that time. The Signatories agree that good cause exists to waive this rule provision because requiring the revision of the 2017 IRP preferred resource plan analyses to accommodate this filing does not warrant the time and effort that would be required to complete that revision.

b. Rule 4 CSR 240-20.094(2) – This rule prescribes guidelines to review progress toward the expectation that an electric utility's demand-side programs can achieve a goal of overall cost-effective demand-side savings. However, the rule expressly states that the prescribed guidelines are not mandatory and no penalty or other adverse consequence will result if a utility is unable to achieve annual savings goals specified in those guidelines. In order to eliminate any confusion regarding whether Ameren Missouri's MEEIA 2019-2021 programs are required to meet those "soft" goals related to kWh and kW load reductions, Ameren Missouri seeks a waiver of this rule. As an alternative to granting this waiver, the Signatories stated that the Commission could include a statement in its final order approving the MEEIA 2019-2021 Plan that Ameren Missouri will not be penalized in any way if it fails to meet goals expressed in the rule's guidelines. This Commission's decision is not binding on a future Commission and the Commission cannot make declaratory orders regarding future facts, so the Commission will grant the waiver rather than make a declaratory statement as suggested by the alternative request.

c. Rule 4 CSR 240-14.030(3) – This rule states, in relevant part, that an electric utility is prohibited from implementing any new promotional practice until after a tariff

related to that practice has been filed with the Commission. The MEEIA 2019-2021 Plan anticipates Ameren Missouri will be required to change certain elements of its promotional practices – most notably incentive payments – to reflect marketplace changes. Requiring Ameren Missouri to file tariffs before such changes can be implemented would be burdensome and would prevent Ameren Missouri from quickly addressing conditions the promotional practice changes were designed to address. A waiver of this rule is necessary to give Ameren Missouri administrative flexibility necessary to timely address marketplace changes.

The Commission has reviewed the waiver requests and finds that good cause exists to grant the waivers of 4 CSR 240-20.094(4)(l)3, 4 CSR 240-20.094(2), and 4 CSR 240-14.030(3) for purposes of this filing and Ameren Missouri's MEEIA 2019-2021 Plan.

THE COMMISSION ORDERS THAT:

1. The *Stipulation and Agreement* including the *Revised Ameren Missouri's 2019-21 Energy Efficiency Plan* and its associated appendices filed on October 25, 2018 and attached hereto are approved. These documents, known as the "MEEIA 2019-2021 Plan," are incorporated into this order by reference as if fully set forth herein.

The parties are ordered to comply with the provisions of the MEEIA 2019-2021 Plan.

2. Union Electric Company d/b/a Ameren Missouri is granted waivers of 4 CSR 240-20.094(4)(l)3, 4 CSR 240-20.094(2), and 4 CSR 240-14.030(3) for purposes of this case and Ameren Missouri's MEEIA 2019-2021 Plan.

3. This order shall be effective on January 4, 2019.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Hall,
Rupp, and Coleman, CC., concur.

Dippell, Senior Regulatory Law Judge